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J MARK HOLLAND & ASSOCIATES
3 CIVIC PLAZA SUITE 210
NEWPORT BEACH CA 92660

In re Application of
Dan W.C. Delmer
Application No. 09/904,975
Filed: July 12, 2001
Attorney Docket No. DELME-P2739

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition, filed April 26, 2006 under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office Action mailed November 14, 2003. An amendment, filed January 21, 2004 and re-submitted June 14, 2004 was considered and the applicant was advised in an advisory action mailed October 18, 2005 that the amendment did not place the application in condition for allowance. No timely response having been filed thereafter, this application became abandoned. Accordingly, a Notice of Abandonment was mailed December 6, 2005.

A petition filed January 20, 2006 was dismissed in a decision mailed March 14, 2006, because a proper response to the final rejection was not filed with the petition to revive.

Comes now petitioner with a renewed petition and an amendment after final.

The Examiner has determined that the amendment filed with the present petition is

¹ A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

acceptable and since all other requirements have been met, the matter therefore is being referred to Technology Center 3679 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
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Office of Petitions